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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 BREANNA REINGRUBER, an individual;

12 Plaintiff,

13 v.

14 USAA GENERAL INDEMNITY  
COMPANY, d/b/a USAA, an  
unincorporated entity and/or a reciprocal  
insurance exchange; DOES I through X;  
15 and ROE CORPORATIONS I through X,  
inclusive,

16 Defendants.

Case No.: 2:23-cv-00007-JCM-EJY

~~PROPOSED JOINT~~  
**DISCOVERY PLAN AND  
SCHEDULING ORDER  
SUBMITTED IN COMPLIANCE  
WITH LR 26-1(b)**

17  
18 Pursuant to Local Rule 26-1(b), the parties submit their proposed Discovery  
19 Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal  
20 holiday have been scheduled for the next judicial day.

- 21 1) Meeting. Pursuant to Federal Rules of Civil Procedure FRCP 26(f), a  
22 meeting was held on March 14, 2023, and was attended by Brian  
23 Blankenship, Esq. of CLAGGETT & SYKES LAW FIRM, for Plaintiff,  
24

Breanna Reingruber, and Mary E. Bacon, Esq. of SPENCER FANE, LLP,  
for Defendant, USAA General Indemnity Company.

2) Pre-Discovery Disclosure. Pursuant to Fed. R. Civ. P 26(a)(1), the parties  
will make their pre-discovery disclosures, including but not limited to  
any Computation(s) of Damages required pursuant to Fed. R. Civ. P  
26(a)(i)(A)(iii), by March 27, 2023.

3) Areas of Discovery:

The parties agree that the areas of discovery should include, but not be  
limited to: all claims and defenses allowed pursuant to the Federal Rules  
of Civil Procedure.

4) Discovery Plan. The parties jointly propose to the Court the following  
discovery plan:

a) Discovery Cut-off Date(s): LR 26-1(b)(1) provides that  
“unless otherwise ordered, discovered periods longer than  
one hundred eighty (180) days from the date the first  
defendant answers or appears will require special  
scheduling review.” The parties request a special scheduling  
review. The parties are requesting a discovery period of 273  
days from the date the first defendant answers or appears  
and will require special scheduling review due to counsel for  
defendant being on maternity leave. Therefore, the parties  
request that discovery shall be completed no later than

1                    October 17, 2023. This date is 273 days after Defendant's  
2                    filing of its first appearance.

3                    b) Amending the Pleadings and Adding Parties: The parties  
4                    shall have until August 18, 2023. This date is approximately  
5                    60 days prior to the close of discovery.

6                    c) Parties intend to take discovery regarding Plaintiff's alleged  
7                    injuries, Plaintiff's claim against defendants and all  
8                    applicable defenses.

9                    d) Both parties intend to submit written Interrogatories,  
10                    Requests for Admission, and Request for Production of  
11                    Documents to the opposing party(s).

12                    e) The parties intend to engage in deposition discovery,  
13                    including, but not limited to: parties, witness, treating  
14                    providers, Fed. R. Civ. P. 30b(6) Witnesses and experts, at  
15                    any time upon appropriate notice.

16                    5) Discovery Schedule. The parties jointly propose to the Court the  
17                    following discovery schedule:

18                    a. Discovery Cut-off Date: Defendant USAA General Indemnity  
19                    Company removed the case to federal court, filed a motion to dismiss,  
20                    and we are currently awaiting an answer from the court, therefore  
21                    pursuant to Local Rule 26-1(b)(1) the last day to conduct discovery  
22                    shall be October 17, 2023. This date is 273 days after Defendant's  
23                    filing of its first appearance.

- b. Amending Pleadings and Adding Parties. The last day to amend the pleadings or add parties shall be August 18, 2023, which is not later than 60 days prior to the discovery cut-off date.
- c. Federal Rules of Civil Procedure 26(a)(2) Disclosures (Experts). The last day to disclose experts will be August 18, 2023, which is not later than 60 days before the proposed discovery cut-off date. The last day to disclose rebuttal experts will be September 18, 2023, which is not later than 30 days prior to the discovery cut-off date.
- ~~d. Interim Status Reports. Pursuant to Local Rule 26-3, the Interim Status Report shall be filed by August 18, 2023 which is not later than 60 days prior to the discovery cut-off date.~~
- e. Dispositive Motions. The last day for filing dispositive motions shall be November 16, 2023 which is not later than 30 days after the discovery cut-off date.
- f. Pretrial Order. The Joint Pre-trial Order shall be filed no later than December 15, 2023 which is not later than 30 days after the deadline for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the Court.
- g. Alternative Dispute Resolution. The parties hereby certify that they met and conferred about the possibility of using alternative dispute-resolution processes.

- 1 h. Alternative Forms of Case Disposition. The parties hereby certify that
- 2 they considered consent to trial by a magistrate judge under 28 U.S.C.
- 3 § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program.
- 4 i. Electronic Evidence. The parties hereby certify that they discussed
- 5 whether they intend to present evidence in electronic format to jurors
- 6 for the purposes of jury deliberations. At this time there is no
- 7 intention of using evidence in electronic format for the jury.
- 8 j. Pretrial Disclosures. Final lists of witnesses and exhibits required by
- 9 F.R.C.P. 26(a)(3) shall be included in the joint pretrial order. The
- 10 parties shall have 14 days after service of final lists of witnesses and
- 11 exhibits to file objections under F.R.C.P. 26(a)(3).
- 12 k. Extensions or Modification of the Discovery Plan and Scheduling
- 13 Order. Pursuant to Local Rule 26-4 any stipulation or motion to
- 14 modify the Discovery Plan and Scheduling Order must be made no
- 15 later than twenty-one (21) days before the expiration of the subject
- 16 deadline.
- 17 l. Later Appearing Parties. A copy of this Discovery Plan and
- 18 Scheduling Order shall be served on any person served after it is
- 19 entered or, if additional defendants should appear, within five (5)
- 20 days of their first appearance. This discovery plan and scheduling
- 21 order shall apply to such later-appearing parties, unless the Court, on
- 22 motion and for good cause shown, orders otherwise.
- 23
- 24

m. Court Conference. The parties do request a conference with the Court before entry of the scheduling order.

Dated this 17th day of March, 2023.	Dated this 17th day of March, 2023.
CLAGGETT & SYKES LAW FIRM	SPENCER FANE, LLP
<i>/s/ Brian Blankenship</i>	<i>/s/ Mary E. Bacon</i>
<hr/> Brian Blankenship, Esq. Nevada Bar No. 11522 <i>Attorneys for Plaintiff, Breanna Reingruber</i>	<hr/> Mary E. Bacon, Esq. Nevada Bar No. 12686 <i>Attorneys for Defendant, USAA General Indemnity Company, d/b/a USAA</i>

**ORDER**

**IT IS SO ORDERED** this 17th day of March, 2023.

  
UNITED STATES MAGISTRATE JUDGE